

Senate Bill No. 1988

Passed the Senate August 30, 2002

Secretary of the Senate

Passed the Assembly August 26, 2002

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Article 6 (commencing with 8780) to Chapter 4 of Part 6 of the Education Code, relating to environmental education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1988, Polanco. Environmental education fund.

Existing law contains various provisions regarding environmental education, including a grant program that funds programs in public schools, community colleges, and regional conservation education centers for the purpose of conservation education.

This bill would create an Environmental Education Fund in which contributions made pursuant to the settlement of a state or federal lawsuit involving an environmental violation, a grant from the federal government or a local governmental agency, or a contribution from a private organization or individual may be deposited to fund environmental education. The bill would require the Superintendent of Public Instruction, each fiscal year, to allocate 60% of the funds for environmental education in the public schools. The bill would require the remaining 40% of the funds to be allocated to a nonprofit organization or organizations that serves to educate city attorneys, district attorneys, and their deputies and investigators on the fair and uniform enforcement of environmental laws and the advancement of environmental justice, as provided.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 8780) is added to Chapter 4 of Part 6 of the Education Code, to read:

Article 6. Environmental Education Fund

8780. (a) The Environmental Education Fund is hereby created in the State Treasury for the purposes of this article. Contributions to the fund made pursuant to the settlement of a state or federal lawsuit involving an environmental violation, a grant



from the federal government or a local governmental agency, or a contribution from a private organization or individual may be deposited into the fund and shall be administered by the department for the purposes of this article. Contributions from the settlement of a state or federal lawsuit shall be approved by the court and shall be limited to contributions for the purpose of restitution where the victims that incurred the loss can not be individually identified.

(b) Each fiscal year, the department shall allocate funds from the Environmental Education Fund, upon appropriation by the Legislature, for environmental education in accordance with the following schedule:

(1) An amount equal to 60 percent of the balance in the fund shall be allocated by the Superintendent of Public Instruction for purposes of environmental education in the public schools.

(A) The department may use these funds for environmental education programs described in Article 4 (commencing with Section 8750).

(B) The department shall allocate funds pursuant to this paragraph to school districts representing all geographical regions of the state, including both rural and urban regions.

(C) Any funds not expended for the purpose of this paragraph during the fiscal year in which the funds are allocated shall be carried over to the following fiscal year for the same purpose.

(D) The department may expend up to 10 percent of the funds allocated pursuant to this paragraph on administrative and overhead costs necessary to implement this paragraph.

(2) An amount equal to 40 percent of the balance in the fund shall be allocated by the Superintendent of Public Instruction to a nonprofit organization or organizations that serves to educate city attorneys, district attorneys, and their deputies and investigators on the fair and uniform enforcement of environmental laws and the advancement of environmental justice. The nonprofit organization or organizations shall use the funds exclusively for the purposes of environmental education and the advancement of environmental justice.

(A) Funds shall be allocated pursuant to this paragraph only to a nonprofit organization that meets both of the following requirements:



(i) Prosecutors comprise a majority of the membership of the organization.

(ii) The organization develops and implements courses of instruction to train public prosecutors and provides educational publications on the enforcement of state and local environmental laws.

(I) Publications and courses of instruction provided pursuant to this clause shall provide an understanding of the civil and criminal requirements of environmental law, as well as, instruction on the fair and uniform enforcement of environmental law consistent with advancement of environmental justice.

(II) All courses of instruction shall be developed to fulfill minimum continuing legal education (MCLE) requirements.

(B) Any funds not expended for the purpose of the program during the fiscal year in which the funds are allocated shall be carried over to the following fiscal year for the same purpose.

(C) For each fiscal year in which a nonprofit organization receives funds pursuant to this paragraph, the nonprofit organization shall prepare a report that itemizes the expenditure of the funds. The report shall be submitted to the Legislature and the department on or before September 1 of the fiscal year following the fiscal year in which the funds are received. The department or the Joint Legislative Audit Committee may audit the records of a nonprofit organization relating to the expenditure of funds pursuant to this paragraph.

(c) Not later than 36 months after funds are first allocated from the Environmental Education Fund pursuant to subdivision (b), the Superintendent of Public Instruction shall submit a report to the Legislature itemizing the expenditure of funds pursuant to this article and describing each program or institute funded and the accomplishments of each program or institute.



Approved _____, 2002

Governor

